

No 11418 Equity

1st R. H. Int. - You say that the entire body of Land of which Eli Homer died seized, and possessed; lies in one body, and contains about four hundred acres, and is divided into two farms; - Suppose the widow's dower was laid off in each farm could the residue of the lands embraced in the farms, be divided into three equal portions, in regard to quantity, and value?

Ans. - I would say "no, to that. It can't be done"

2^d R. H. Int. - Suppose the widow's dower, in the entire four hundred acres, should be laid off in the same farm, that is the Gamble farm, could the residue of the land be divided into three equal portions, without loss or injury?

Ans. I would say "no" to that

3^d R. H. Int. - If the said farms, cannot be divided into three equal portions, after the dower of the widow is laid off, could the said farms be divided into seven equal portions, exclusive of the widow's dower?

Ans. No to that, can't be done

To Re. Cross Interrogatories filed with the Commissioner by the Defendant and herewith returned, deposes and says, to the

1st R. C. Int. - Suppose that in laying off the widow's dower the Main Mansion House & buildings were given to the widow, could not the balance be divided among the three minor children?

Ans. No, Sir

2^d R. C. Int. - Why could it not be so divided?

Ans. - I don't think it could be advantageous to the heirs to divide it in that way. It would destroy the farm, and the sale of it

3^d R. C. Int. - Suppose that it was simply a large tract of Land, without any building on it: Now State, whether or not it could be divided into three parts, with reference to value?

Ans. - It could be divided into three parts.

4th R. C. Int. - Is there any thing which would prevent such a division of said tract of Land, fairly and equally, among three heirs?

Ans. - Well, I don't know that there is any thing which will prevent it, but it will injure the sale of it.

To R. H. Direct Interrogatories filed with the Commissioner by the Complainant, and herewith returned the said William Gardner deposes and says to the

1st R. H. Int. - You say in reply to the last Cross Interrogatory, that there is nothing to prevent a division into three parts, of the land whereof Eli Homer died seized, and possessed: Now you say, by that answer, to convey the idea, that said Land could be divided into three equal portions in value after the dower right of the widow, in said lands, was laid off?

Ans. I don't think it can be done in value

Newton M. Horner, a witness of lawful age, produced upon the part of the Complainant, being duly affirmed, and examined to Interrogatories filed with the Commissioner by the Complainant and herewith returned deposes and says to the

1st Int. Are you acquainted with the parties to this suit; and, if so, which of them,

Teste

of

Newton